



# Oregon

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Crook County Planning Commission  
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**Department of Fish and Wildlife**

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RE: Goal 5 Plan Amendment Proposal for Crook County's Code  
and Comprehensive Plan



Dear Planning Commissioners:

The Oregon Department of Fish & Wildlife (ODFW) and the Oregon Department of Land Conservation and Development (DLCD) would like to thank Crook County for the opportunity to review and comment on the land use proposal referenced above. The County is proposing to revise its Big Game Habitat maps and its program to protect Big Game Habitat pursuant to Statewide Planning Goal 5 and OAR 660-023-0110, through a Post Acknowledgement Plan Amendment. The intent of this letter is to provide Crook County with our departments' joint comments.

Both agencies have worked with Crook County since the initiation of this planning process in late 2010. ODFW and DLCD commend the hard work and efforts of the Planning Staff, Wildlife Subcommittee, and Planning Commissioners. The provided materials contain several key elements that will help conserve habitat. These include:

- Updated Big Game Winter Range maps with boundaries that incorporate the latest ODFW recommendations. These boundary updates reflect the changes in distribution of deer, elk, and antelope that have occurred since the existing Crook County Comprehensive Plan Winter Range boundaries were adopted in the early 1990's. Also reflected are the detrimental effects that have reduced the habitat effectiveness and quality to Winter Range in the western portion of the County.
- Recognizing and expanding protection for Antelope Winter Range.
- Recognizing and extending protection for Winter Range in the F1 zone.
- A County strategy and vision which places greater protection measures and emphasis on Winter Range that lies outside the Impacted Area boundary.
- Provisions to address the Juniper Acres, Riverside Ranch, and Paulina Ranches residential developments.

The agencies appreciate the County's approach in addressing these challenging resource issues, and again recognize the hard work it took to get to this point. However, there are a number of actions the County should take to strengthen habitat protections. The following letter will address each item in detail, but briefly these actions include:

- Accepting a broader list of conflicting uses.
- Weighing the costs and benefits of fully allowing, partially allowing or prohibiting this broader list of conflicting uses in a more detailed ESEE (Economic, Social, Environmental, and Energy).
- Removing language that gives energy development priority over winter range protection.
- Adopting the minimum lot sizes associated with agricultural and forest resource zones into Goal 5 protections, so that winter range can remain protected if the underlying zone changes in the non-impacted area.
- Adopting a 40 acre dwelling density and minimum lot size standard for properties that are rezoned as non-resource in the impacted area.
- Developing a more specific methodology for determining dwelling density.
- Retaining the 1 dwelling per 160 acre standard in both EFU 1 and 2.

### **CONFLICTING USES**

Identifying conflicting uses is a key part of the Goal 5 process. Only those conflicting uses identified in the County Plan may be considered in the ESEE analysis (discussed below). While ODFW provided the County with a list of conflicting uses in November 2011 the County's proposal appears to mention only residential dwellings and renewable energy projects. It is equally important to consider a variety of other activities (aggregate quarries, golf courses, private campgrounds, private airports, new roads, facilities for processing forest products, etc...) in order to provide adequate protection to Big Game Winter Range. The agencies' recommend that the proposal be expanded to consider all the conflicting uses identified on the ODFW list.

### **ESEE ANALYSIS**

Once the full list of conflicting uses is established, a county is directed to consider the Economic, Social, Environmental and Energy consequences of fully allowing, partially allowing or prohibiting conflicting uses. This effort is often known as an "ESEE Analysis." The material presented for our review does include an ESEE Analysis, which offers helpful information, but does not provide sufficient detail or address all the important conflicting uses.

The ESEE Analysis would be strengthened by expanding the narrative to more directly consider possible consequences of the various policy choices affecting conflicting uses. For example, as parcelization proceeds there is a cascade of problems that can affect wildlife populations and cause conflict for people. Increased human density generally increases disease rates in wildlife through artificial feeding, increases vehicular collisions, and leads to more canine attacks on fawns. This denser landscape also limits ODFW's ability to use hunting seasons and other lethal control activities to regulate wildlife populations, resulting in largely unmanaged populations that cause a variety of damage and safety concerns. The County should more thoroughly describe these environmental consequences and weigh them against presumed economic benefits. Similarly, the county should evaluate the costs and benefits of other non-residential conflicting uses (i.e. energy development, rock quarries, etc.) and decide whether to fully allow, partially allow or prohibit each conflicting uses.

The agencies are particularly concerned about Impacted Area Policy 10, which gives priority to energy development over wildlife habitat in the impacted area. Elevating a conflicting use above a significant Goal 5 resource must be supported by the relevant ESEE analysis. The provided document does not offer sufficient justification.

### **PROPOSED COMPREHENSIVE PLAN FINDINGS**

The County is proposing comprehensive plan findings for both the non-impacted and impacted areas that speak to non-farm dwelling approvals. Non-farm dwelling approvals and their effect on farming practices in Crook County are an agricultural lands protection issue under statewide planning goal 3. The proposed policies are broad, discretionary statements that essentially declare the many non-farm dwelling approvals issued by Crook County over the years have not harmed commercial agriculture. As this project focuses on wildlife and wildlife habitat pursuant to statewide planning goal 5, including language regarding non-farm dwellings may not be needed. The proposed comprehensive plan findings should be removed or revised to focus on Wildlife Habitat.

### **PROGRAM TO ACHIEVE THE GOAL**

After the list of conflicting uses has been compiled and the ESEE Analysis has been conducted, the next step is for a county to develop a program to protect the goal 5 resource. Crook County's program is naturally built upon comprehensive plan policies and implemented through the county zoning ordinance. It could be useful to revise or replace some plan policies and clarify the implementing code language. For example, the density calculations and study area approach remains somewhat confusing and it is not clear how farm dwellings would be considered.

#### **Minimum Land Division Standards**

The agencies acknowledge that in a prior Post Acknowledgement Plan Amendment, Crook County adopted a dwelling density test for new non-farm dwellings. It remains unclear, whether the County simultaneously deleted the original minimum parcel sizes. Both agencies are concerned with an approach that relies only on density standards to protect Goal 5 habitat. Please clarify whether the minimum Goal 5 parcel size requirements have been eliminated. If they were deleted the agencies request the County reinstate parcel size requirements as described in the next paragraph. Habitat will best be protected by a code that regulates both dwelling density and parcel sizes.

The County has recommended a strategy of continuing underlying zone standards (i.e. EFU - Goal 3 and F1 - Goal 4) for the minimum parcel size for new land divisions. However, if these minimums are to be relied on for Goal 5 protection they must be integrated into the county's Wildlife Winter Range Protection Program. Otherwise, future changes to the implementing provisions of statewide planning goals 3 & 4 or conversion of properties to non-resource zones could inadvertently compromise lands that are supposed to be protected under statewide planning goal 5. To address this concern the County should adopt goal 5 land division standards which at a minimum duplicate current goal 3 and 4 standards. In the Non-Impacted Area these standards would remain in effect even if the property were rezoned to non-resource. If an area changes from a resource zone to a non-resource zone in impacted winter range the agencies' recommend that dwelling density not exceed 1 dwelling per 40 acres, and the County maintain a minimum parcel size of 40 acres (Impacted Policy 11).

### Dwelling Density Standards

It is the agencies' understanding that when evaluating dwelling density the County would assess not just current dwellings, but the potential for *future* dwellings as well. For example, if a 2,000 acre study area in the non-impacted area included only a single dwelling but had the *potential*, based on current zoning, for an additional 12 dwellings, a 160-acre standard would be exceeded and the dwelling could not be approved. As long as potential future dwellings are considered in the process ODFW and DLCDC can support this kind of density test, but would recommend the County describe a fixed method of identifying the study area to simplify the process and discourage abuse.

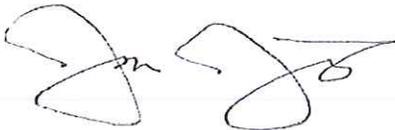
The County's current proposal uses density standards for the agricultural and forestry zones that do not differentiate between impacted and non-impacted habitat, or between mule deer, elk, and antelope habitat. This simplification should make the code easier to interpret and implement, but reduces specificity. Retaining the 1 dwelling per 320 acre density standard for elk winter range to preserve a local protection program that appears to be working, and adopting it for antelope to be consistent with adjacent Jefferson and Deschutes Counties is desirable. However, if the County adopts a 1 dwelling per 160 acre standard the agencies' recommend that it is applied to all winter ranges in the EFU 1, EFU 2, and F1 Zones. As currently written the County's proposal reduces protection for Critical Deer and Elk Winter Range in the EFU 2 zone. The winter ranges in EFU 1 and EFU 2 are comparable and equally critical habitats, and should both be protected at the same 160 acre density standard.

### CONCLUSION

From our agencies perspective the County's proposal has improved greatly from the earlier drafts. However, there remain a number of areas where habitat protections should be strengthened. Please, consider our recommendations. ODFW and DLCDC stand ready to provide further assistance and offer to help craft the final local product in a way that meets all stakeholder needs.

Thank you for this opportunity to comment. Please enter this letter into the record of these proceedings and send the agencies a copy of the decision. If new information is provided at the hearing, please continue the hearing, pursuant to ORS 197.763(4) (b), to allow the agencies time to review the new information and respond if necessary. If you have any questions please feel free to contact our local representatives Jon Jinings, DLCDC Community Services Specialist, or Steve Niemela, ODFW Prineville District Wildlife Biologist.

Respectfully,



Jon Jinings  
DLCDC Community Services Specialist



Alan R. Dale  
ODFW High Desert Regional Manager